

REMARKS

Reconsideration of this application is respectfully requested.

In a restriction requirement dated February 29, 2009, the Examiner required restriction under 35 U.S.C. § 121 between the following eight groups of claims.

Group I, claims 1-4, 28, and 29, insofar as drawn to the technical feature of an isolated SARS Spike protein;

Group II, claims 5-15, 18-20, 28, 30, and 31, insofar as drawn to the technical feature of a nucleic acid/vector/a cell comprising a nucleotide encoding SARS spike protein;

Group III, claims 21 and 28, drawn to the technical feature of a monoclonal antibody to S protein;

Group IV, claims 16 and 17, drawn to the technical feature of a method of producing S protein using a vector encoding S protein;

Group V, claim 22, insofar drawn to the technical feature of a method of detecting SARS infection using a monoclonal antibody of Group III;

Group VI, claims 22, 23, and 25, insofar drawn to the technical feature of a method of detecting SARS infection using S peptide of Group I;

Group VII, claims 22, 24, and 25, insofar drawn to the technical feature of a method of detecting SARS infection using S peptide of Group I and a recombinant N protein; and

Group VIII, claims 26 and 27, drawn to the technical feature of an immune complex formed of an antibody to SARS and a SARS protein.

Applicant elects to prosecute the claims of Group I, claims 1-4, 28, and 29, with traverse. These claims are readable on the elected invention.

Applicant respectfully traverses the restriction requirement. An isolated and purified protein or polypeptide having SEQ ID NO:3 has been elected. Applicant submits that the monoclonal antibody of claim 21 should be examined with the elected protein or polypeptide as the protein or polypeptide is recognized by the claimed antibody.

Applicant further traverses the restriction requirement on the ground that method claims 22 to 25, which relate to the use of the protein or polypeptide, should be examined with the elected invention. At least, these claims should be rejoined with the elected claims once the elected claims are found to be allowable.

Further, Applicant submits that the immune complex of claims 26 and 27 should be examined with the elected invention, since the immune complex contains the protein or polypeptide of the election invention.

The Examiner also required Applicant to elect a single disclosed species from one of the following:

- (1) full length SEQ ID NO:3;
- (2) the ectodomain of SEQ ID NO:3;
- (3) 1-1193 amino acids of SEQ ID NO:3;
- (4) 14-1193 amino acids of SEQ ID NO:3; or
- (5) 475-1193 amino acids of SEQ ID NO:3.

Applicant elects species (3) corresponding to amino acids of 1-1193 SEQ ID NO:3.

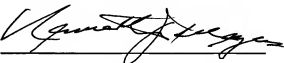
Applicant respectfully traverses the election of species. Applicant submits that species (3), (4), and (5) should be examined together because all of these species are derived from SEQ ID NO:3. A search of the prior art for SEQ ID NO:3 would necessarily disclose each of these three species.

Please grant any extensions of time required to enter this amendment and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 

Kenneth J. Meyers
Reg. No. 25,146
Phone: 202-408-4033
Fax: 202-408-4400
E-mail: ken.meyers@finnegan.com